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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* SALINA SAU-YUE CHU, DUSTIN C. KIRKLAND, and  
AMEET M. PARANJAPE

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Appeal 2018-001187  
Application 11/692,963  
Technology Center 3600

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Before HUBERT C. LORIN, NINA L. MEDLOCK, and  
JAMES A. WORTH, *Administrative Patent Judges*.

WORTH, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant<sup>1 2</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–23, which are all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

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<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as International Business Machines Corporation. Appeal Br. 2.

<sup>2</sup> Our Decision refers to Appellant's Appeal Brief (“Appeal Br.,” filed June 30, 2017) and Reply Brief (“Reply Br.,” filed Nov. 14, 2017), the Examiner's Final Office Action (“Final Act.,” mailed Sept. 1, 2016), Answer (“Ans.,” mailed Oct. 6, 2017).

We AFFIRM.

## STATEMENT OF THE CASE

### *Background*

Appellant's application relates to "an improved media device, and more specifically to a product presented on a media device," and still more specifically to "a method, an apparatus, and a computer usable program product for providing product placement information presented in a media program." Spec. ¶ 1.

This application has previously been before the Board. In a previous decision, the Board reversed certain prior art rejections. *Ex parte Salina Sau-Yue Chu*, Appeal No. 2012-002316, 2014 WL 2537009, at \*3 (PTAB June 6, 2014).

### *The Claims*

Claims 1, 9, and 13 are the independent claims on appeal. Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A method for providing product placement information presented in a media program by a data processing system, the method comprising:

the data processing system receiving a request for the product placement information presented in the media program;

the data processing system, responsive to receiving the request, capturing a timeframe for the request for the media program, wherein a product placement information list is associated with the timeframe;

the data processing system extracting the product placement information list for the timeframe from a buffer associated with the media program; and

the data processing system presenting the product placement information list to a user.

Appeal Br., Claims App.

#### REJECTIONS ON APPEAL

- I. Claims 1–23 stand rejected under 35 U.S.C. § 101, as being directed to a judicial exception without significantly more.
- II. Claims 2–4, 10, and 11 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.
- III. Claims 1–22 stand rejected under 35 U.S.C. § 102(b), as being anticipated by Kitsukawa (US 2006/0015893 A1, pub. Jan. 19, 2016).
- IV. Claim 23 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over Kitsukawa and Starr (US 2007/0130015 A1, pub. June 7, 2007).

#### DISCUSSION

##### Rejection I (Patent Eligibility)

###### *Principles of Law*

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101.

However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[I]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court’s two-step framework, described in *Mayo*

and *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is “directed to.” *See Alice*, 573 U.S. at 219 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that “[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 187; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula.”). Nevertheless, the Supreme Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, . . . and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment.” *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now commonplace that an *application* of a law of nature or mathematical formula

to a known structure or process may well be deserving of patent protection.”).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (quotation marks omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

The PTO recently published revised guidance on the application of § 101. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Guidance”). Under the Guidance, we first look to whether the claim recites:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h)).

If a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, then we consider whether the claim:

- (3) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

*See* Guidance, 84 Fed. Reg. at 56.

*Analysis*

*Claims 1–4, 6–11, 13–16, and 18–21*

Appellant argues the rejection of claims 1–4, 6–11, 13–16, and 18–21 as a group. We select claim 1 as representative such that claims 2–4, 6–11, 13–16, and 18–21 stand or fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(iv).

*Step 1*

Applying Step 1 of the Guidance (which is unchanged from the prior guidance) to the present case, we determine: independent claim 1 recites a “method for providing product placement information presented in a media program by a data processing system,” which is a “process” falling within one of the categories enumerated under § 101.

*Step 2A, Prong One*

The Examiner determines that claim 1 is directed to “a sales and marketing behavior act,” describes advertising over communications networks, and relates to economic practices. Final Act. 2–3.

The Guidance instructs us first to determine whether any judicial exception to patent eligibility is recited in the claim. The Guidance identifies three judicially-excepted groupings: (1) mathematical concepts, (2) certain methods of organizing human behavior such as fundamental economic practices, and (3) mental processes. We focus here on the second grouping — certain methods of organizing human behavior such as fundamental economic practices.

In context, claim 1 recites a preamble and steps for providing product placement information presented in a media program at a timeframe responsive to a request corresponding to a timeframe. In particular, the claim recites (1) “A method for providing product placement information presented in a media program”; (2) “receiving a request for the product placement information”; (3) “capturing a timeframe for the request for the media program”; (4) “wherein a product placement information list is associated with the timeframe”; (5) “extracting the product placement information list for the timeframe”; and (6) “presenting the product placement information list to a user.”

Claim 1 then recites “extracting” product placement information from a database corresponding to the timeframe. This makes use of a database which “associate[s]” a timeframe and product placement information. Finally, claim 1 recites “presenting” the product placement information. Providing product placement information presented in a media program at a timeframe responsive to a request, as recited in Appellant’s claims, like the intermediated settlement in *Alice*, is “a fundamental economic practice long prevalent in our system of commerce,” *Alice*, 573 U.S. at 216 (citations and internal quotation marks omitted). *See also In re Eberra*, 730 F. App’x 916, 918 (Fed. Cir. 2018) (non-precedential) (“claim 1, considered as an ordered combination, simply describes a form of product promotion in which the incentive for purchasing a product is the opportunity to perform in a television program”); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 714 (Fed. Cir. 2014) (“process of receiving copyrighted media, selecting an ad, offering the media in exchange for watching the selected ad, displaying the ad, allowing the consumer access to the media, and receiving payment from

the sponsor of the ad all describe an abstract idea”). We conclude claim 1 recites the idea of “providing product placement information presented in a media program at a timeframe responsive to a request corresponding to a timeframe,” which is a fundamental economic practice (i.e., advertising and marketing), which is one of certain methods of organizing human activity, and thus an abstract idea.

Appellant argues that the claims do not recite “*fundamental* economic practices” because there are different ways of providing sales and marketing behaviors, including radio/television advertisements, web links, and billboards, and that the claimed method is not a fundamental building block. Appeal Br. 7–8. We are unpersuaded by Appellant’s argument because product placement during a media program is a fundamental advertising practice. Further, contrary to Appellant’s arguments, the Specification indicates that the time periods can correspond to a set of commercials during commercial breaks. Spec. ¶¶ 60, 62.

In the alternative, the idea of “providing product placement information presented in a media program at a timeframe responsive to a request corresponding to a timeframe” may also be understood as a series of mental steps. Here, the claimed invention is to answer a request for information about a marketed product in a movie or other media program by noting the time in the movie at which the request was made and providing information associated with the time in question. This could be done by a person and involves a series of mental steps, or could be performed with pen and paper.

According to the Specification, “[t]he timeframe can be any period of time, including but not limited to a specific time, a period of time covering a

chapter in the media program, or a segment that covers more or less than a chapter in the media program.” Spec. ¶ 49. Thus, the recited “timeframe” could be a scene, and is not limited to a pinpoint unit of time. This is consistent with our understanding that a person could keep track of the information with mental steps or with pen and paper. Such mental processes, performed in the human mind, is also a type of abstract idea. *See* Guidance, 84 Fed. Reg. at 52. Thus, claim 1 recites a judicial exception for two reasons, i.e., it recites a fundamental economic practice and recites mental processes.

*Step 2A, Prong Two*

Having determined that claim 1 recites a judicial exception, our analysis under the Guidance turns now to determining whether there are “additional elements that integrate the judicial exception into a practical application.” *See* MPEP § 2106.05(a)–(c), (e)–(h). When a claim recites a judicial exception and fails to integrate the exception into a practical application, the claim is “directed to” the judicial exception. Guidance, 84 Fed. Reg. at 51. A claim may integrate the judicial exception when, for example, it reflects an improvement to a technology or technical field. *Id.* at 55.

Claim 1 also recites a “data processing system” and “buffer associated with the media program.” Appellant argues that the claimed process does not preempt all ways of providing sales and marketing. *Id.* at 8. However, the mere presence of a database or a processor does not necessarily indicate a technical solution. *See generally Ex parte Kimizuka*, Appeal No. 2018-001081, 2019 WL 2244784, at \*6 (PTAB May 15, 2019) (informative). “Courts have examined claims that required the use of a computer and still

found that the underlying, patent-ineligible invention could be performed via pen and paper or in a person's mind." *Versata Dev. Grp. v. SAP Am., Inc.*, 793 F.3d 1306, 1335 (Fed. Cir. 2015), *quoted in* Guidance, 84 Fed. Reg. at 52 n.14. The use of a simple computer database for a task that could be performed by a person with mental steps does not render the abstract idea a technological invention. MPEP § 2106.05(f)(2) ("Use of a computer or other machinery in its ordinary capacity for economic or other tasks (e.g., to receive, store, or transmit data) or simply adding a general purpose computer or computer components after the fact to an abstract idea (e.g., a fundamental economic practice or mathematical equation) does not provide significantly more.").

Appellant argues that the claim is distinguished from the generic instructions at issue in *Ariosa Diagnostics* because the present claim recites steps with "synergistic interplay": (1) a user request, (2) a timeframe for the user request for product placement information presented in the media program (i.e., a synergistic interplay between the "user request for product placement information presented in the media program" and the "timeframe"), and (3) a product placement information list associated with the timeframe for the user request (i.e., a synergistic interplay between the "product placement information list" and the "timeframe" that itself has a synergistic interplay with the "user request for product placement information presented in the media program"). Appeal Br. 9 (citing *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1377 (Fed. Cir. 2015)).

Although we agree with Appellant that the claim does not preempt all showing of television commercials, "the absence of complete preemption does not demonstrate patent eligibility." *Ariosa*, 788 F.3d at 1379. *See also*

*OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015)(“[T]hat the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract.”).

Appellant argues, as above, that there is a synergistic interplay among the limitations. Appeal Br. 9. Appellant similarly argues that capturing a timeframe during a media presentation, and doing so responsive to a request, are not standard, generic, or routine computer operations. Appeal Br. 10. However, we determine that claim 1 recites common functions of a generic computer which are not improvements to technology. *See* Ans. 3.<sup>3</sup> “Capturing” a timeframe to pull corresponding product placement information from a database is similar to the steps of recognizing and storing information, which are common functions of a generic computer. *See Content Extraction and Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343, 1348 (Fed. Cir. 2014) (citing *Alice*, 134 S.Ct. at 2358; *Ultramercial*, 772 F.3d at 715–16; *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1530, 1355 (Fed. Cir. 2014)). Similarly, in *Versata*, the court considered the use of organization and product group hierarchies, e.g., arranging hierarchies and storing pricing information, to be common functions of a generic computer. *See Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1333 (Fed. Cir. 2015).

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<sup>3</sup> We acknowledge that some of these considerations may be properly evaluated under Step 2 of *Alice* (Step 2B of Office guidance). For purposes of maintaining consistent treatment within the Office, we evaluate it under Step 1 of *Alice* (Step 2A of Office guidance). *See* Guidance, 84 Fed. Reg. at 55.

The function of a conventional database is to associate two different kinds of information. As above, the Specification indicates that the time periods for presentation of stored product placement information can correspond to a set of commercials during commercial breaks. *See* Spec. ¶¶ 60, 62. Accordingly, claim 1 does not represent an improvement in technology.

We conclude that claim 1, when considered as a whole, is directed to an abstract idea.

*Step 2B*

We next consider whether claim 1 possesses additional elements that, individually or in combination, provide an inventive concept. Guidance, 84 Fed. Reg. at 56. We evaluate in this step whether claim 1 merely appends well-understood, routine, and conventional activities, specified at a high level of generality to the judicial exception. *Id.*

The Examiner determines that “[t]he claim recites the additional limitation of a data processing system, a generic computer component recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computerized system.” Final Act. 3. We agree with the Examiner that the recited computer functionality is well-understood routine and conventional. *See* Spec. ¶¶ 85–86.

Appellants argue that claim 1 recites “novel” steps. Appeal Br. 9. However, novelty is insufficient for proving non-abstractness. *See Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 89–90 (2012); *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018).

Claim 1 makes use of a conventional database when it “associate[s]” product information with a timeframe. Further, the use of a storage medium to “buffer” the content is considered to be well-understood, routine, and conventional. *Affinity Labs. of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1264 (Fed. Cir. 2016).

For the foregoing reasons, we sustain the Examiner’s rejection of claims 1–4, 6–11, 13–16, and 18–21 under § 101.

*Claims 5, 12, and 17*

Appellant argues the rejection of claims 5, 12, and 17 as a group. We select claim 5 as representative such that claims 12 and 17 stand or fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellant argues that the Examiner does not take into account additional limitations in claim 5, i.e., “a controller,” two databases (“a media program database” and “a product placement information database”), and that the controller “insert[s] the product placement information into the buffer associated with the media program.” Appeal Br. 10–11. Appellant argues that the Examiner did not appreciate the claim language by treating this as an interface, and that the claimed features are not standard, generic, or routine computer operations. *See id.*

We analyze the arguments under Step 2B of the Guidance. Appellant argues that there are two different databases. Reply Br. 5. However, the media program database simply refers to the media program itself (*see* claim 5, “wherein media program database stores the media program”). Such a media program is standard (*see* Spec. ¶ 2). As above, we determine that the product placement database is a database that constitutes generic computer functionality. That the claim attaches a name to the database is in

the nature of non-functional descriptive matter inasmuch as it does not change the function of the database. As above, we determine that the controller operates as a generic processor (*see* Spec. ¶ 26), and the combination of product information with media information is the subject of the abstract idea. Therefore, we sustain the Examiner's rejection under § 101 of claims 5, 12, and 17 for similar reasons as claim 1.

*Claim 22*

Appellant argues that claim 22 does not recite standard, generic, or routine computer steps because it recites that “each respective product of the plurality of separate products has a different established timeframe.” Appeal Br. 11. We do not agree with Appellant's argument because it is standard for a commercial to feature one product at a time.

We note that the Examiner determines that the claim is directed to an improvement in sales and marketing behavior. Ans. 4. We do not adopt the Examiner's determination in this regard because, at most, the improvement is in applying generic computer components, which does not transform a claim into patent eligible material.

We, therefore, sustain the Examiner's rejection of claim 22 under § 101.

*Claim 23*

Appellant argues that claim 23 does not recite standard, generic, or routine computer steps because it recites that “an image of the media program is transmitted along with the product placement information list using the electronic mail message.” Appeal Br. 12. The Examiner determines that the use of an email has not been shown to be an improvement in the functioning of a computer. We agree with the Examiner

inasmuch as email was standard computer functionality. We, therefore, sustain the Examiner's rejection of claim 23 under § 101.

Rejection II (Enablement)

*Claims 2–4, 10, and 11*

The Examiner finds that there is not support in the Specification for the limitation “transmitting the product placement information list to a user specified device that is specified by a user using the data processing system,” as recited in claim 2. Final Act. 5–6. The Examiner treats this as a negative limitation and reasons that an absence of positive disclosure cannot support a negative limitation. *See id.* Appellant asserts that there is enabling support in paragraphs 58 and 39 of the printed publication (US 2008/0243603 A1, pub. Oct. 2, 2008), which correspond to paragraphs 56 and 37 of the Specification. Appeal Br. 12–14. (We note that the indented material on page 13 of the Appeal Brief appears to be an amalgam of sentences from these two paragraphs rather than a quotation from a single paragraph. The Examiner appears to be mistaken in finding a lack of disclosure in the original Specification (Ans. 5), and in any event, we may consider the published application. *Cf. In re Tropp*, 748 F. App'x 1022, 1024 (Fed. Cir. 2018) (vacating written description analysis that did not consider later disclosure)). In any event, we agree with Appellant that paragraph 56 of the Specification discloses that controller 520 transmits product placement information to a user-specified device, such as a computer, PDA, or a wireless device. We also agree with Appellant that paragraph 37 of the Specification discloses transmitting a list via email and then also proceeds to provide examples of a user-specified device. We

understand the Specification to teach thereby that email can be used as a means to transmit placement information to a user-specified device. Although email is not necessarily device-specific, we conclude that email can be used to transmit placement information to a user's device, i.e., a device that a user would like to use, and that this is within the broadest reasonable interpretation of the claim limitation. And regardless, we determine that such transmission would have been within the skill of an ordinary artisan at the time of the invention, even if means other than email were used. Accordingly, we do not sustain the rejection of claim 2 under § 112 for lack of enablement. Claim 10 contains similar language and requirements as claim 2, and we do not sustain the rejection under § 112 of claim 10 for similar reasons. For the same reasons, we do not sustain under § 112 the rejection of dependent claims 3, 4, and 11.

Rejection III (Anticipation)

*Claims 1, 3, 6–9, 11, 13, 15, and 18–20*

We are persuaded by Appellant's argument that Kitsukawa fails to disclose capturing a timeframe after receiving a request, as recited in independent claim 1, i.e., "the data processing system, responsive to receiving the request, capturing a timeframe for the request for the media program." The Examiner variously relies on paragraphs 61–62 and Figure 9 (items 910–920 and 920–924), paragraph 70 (item 1104), paragraphs 35, 37, 39, and 41, and Figure 10 (items 1002, 1004, and 1005) for this limitation. We have reviewed the disclosure relied upon by the Examiner and do not find that Kitsukawa discloses capturing a timeframe.

In particular, paragraph 61 discloses television program scene 902 is displayed along with coupon information alerts, that timing data is stored

along with the coupon information, and that coupon information may be recalled and viewed at a later time. However, Kitsukawa does not disclose “capturing a timeframe.” We understand “timeframe” information in this context to refer to information relating to the time at which production information occurs. Kitsukawa discloses recalling coupon information at a later time but the Examiner does not make a finding that recalling product information inherently or necessarily includes capturing timeframe information as an intermediate step. We do not agree with the Examiner that displaying a scene constitutes capturing a timeframe, and the fact that the Kitsukawa patent application depicts scenes (such as Figures 9 and 10) does not mean that it discloses capturing a timeframe in response to a request. *See* Final Act. 7; Ans. 7; Kitsukawa ¶¶ 22–23, 67.

The other cited paragraphs do not disclose the limitation either. Paragraph 62 discloses that items 910–914 refer to product items in a scene with corresponding coupon marks 920–924. Kitsukawa ¶ 62. Paragraph 70 discloses that coupon information 1104 is displayed following selection of coupon mark 1120. Paragraph 35 discloses choices for users presented in program directories. Paragraph 37 discloses that a user may select an advertisement mode, and that when in advertisement mode, a viewer alert comprises a tone, and at least one displayed mark when advertising information is available. Paragraphs 39 and 41 contain a similar disclosure as paragraph 61, i.e., that stored advertising information may be recalled and viewed at a later time.

Because Kitsukawa does not disclose “capturing a timeframe,” as recited, we do not sustain the Examiner’s rejection of claim 1 under § 102.

Independent claims 9 and 13 contain similar requirements and limitations as independent claim 1. We do not sustain the rejection of independent claims 9 and 13 for similar reasons as independent claim 1. Claims 2–8, 10–12, and 14–22 each depends from one of independent claims 1, 9, and 13. We do not sustain the rejection of claims 2–8, 10–12, and 14–22 for similar reasons as for independent claims 1, 9, and 13.

Rejection IV (Obviousness)

*Claim 23*

Claim 23 ultimately depends from claim 1. Claim 23 stands rejected under § 103 over Kitsukawa and Starr. The Examiner does not rely on Starr to remedy the deficiency in the Examiner’s rejection under § 102 over Kitsukawa. We, therefore, do not sustain the Examiner’s rejection of claim 23 under § 103 over Kitsukawa and Starr for similar reasons as for the Examiner’s rejection of claim 1 under § 102 over Kitsukawa.

CONCLUSION

In summary:

<b>Claims Rejected</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1–23	§ 101	1–23	
2–4, 10, and 11	§ 112, first paragraph (enablement)		2–4, 10, and 11
1–22	§ 102		1–22
23	§ 103		23
<b>Overall Outcome</b>		1–23	

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED